Habitat Conservation Plan
for Spring Mountain Raceway
Expansion Project
Approximately 120 Acres – Pahrump, Nye County, Nevada
T20S, R54E, Section 34, MDB&M

Prepared for:

Spring Mountain Raceway LLC.
3601 South Hwy 160,
Pahrump, NV 89048

Prepared by:

Darling Environmental & Surveying, Ltd.
Mary E. Darling, MS, JD

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Contents

Executive Summary

Spring Mountain Raceway LLC. (Proponent) is applying for an incidental take permit under Section 10(a)(1)(B) of the Endangered Species Act as amended (ESA) for activities proposed in association with the development of 120 acres of vacant land in Pahrump, Nevada, as part on an expansion of the existing Spring Mountain Raceway. The Proponent herein provides a Low-effect Habitat Conservation Plan (HCP) in support of their permit application. The HCP describes activities associated with development of the raceway expansion, the effects of those activities on the Mojave desert tortoise (*Gopherus agassizii*), a species that is listed as threatened under the ESA, and measures the Proponent will take to avoid, minimize and mitigate the effects.

The development of the raceway expansion is expected to take one to four years; therefore, the Proponent requests a permit period of four (4) years. All construction activities, as well as implementation of the conservation actions in the HCP, are expected to be completed within the 4-year term of the permit. Expansion of the raceway will result in the disturbance of 120 acres of desert tortoise habitat within the town limits of Pahrump, in an area zoned for commercial development.

To minimize and mitigate the effects of disturbing 120 acres of desert tortoise habitat, the Proponent will implement the following actions, as further described in Section 5 of this HCP: survey for and remove tortoises from the project site prior to surface disturbing activities; install a permanent fence prior to construction activities to ensure tortoises do not gain access to the project site and wander into harm's way; ensure trash and food items are disposed of properly to avoid attracting predators; distribute desert tortoise educational brochures to all construction workers on the site; and provide funding to the Zoological Society of San Diego for support of efforts being undertaken at the Desert Tortoise Conservation Center to develop and implement conservation and recovery actions for the tortoise.

Finally, the Low-effect Habitat Conservation Plan provides for addressing changed and unforeseen circumstances, describes funding to implement identified measures, discusses alternatives, identifies other measures required by the U.S. Fish and Wildlife Service, lists the literature reviewed for the completion of this and related documents, and lists the persons contacted to complete the documents.

1.0 Introduction and Background

1.1 Overview and Background

Darling Environmental & Surveying, Ltd. (Darling) prepared this HCP in conjunction with US Fish and Wildlife Service and the Spring Mountain Raceway, LLC., which is herein referred to as the "Proponent". This HCP outlines a conservation strategy that will be implemented by the Proponent to minimize and mitigate potential impacts to the federally listed threatened Mojave desert tortoise (*Gopherus agassizii*) under authority of Section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (ESA).

This Project is an approximately 120-acre expansion of the existing racetrack facility, located on the northeast side of State Route 160, on the south side of Pahrump. The project site is just east of the existing Spring Mountain Racetrack within the Town of Pahrump, Nye County, Nevada within Township 20S, Range 54E, Section 34 W ½ NW ¼, NE ¼ / SW ¼, MDM herein referred to as the Project Area (Appendix A, Figure 1).

The proposal plan is to develop additional racetracks and infrastructure as described below, that will encompass the entire 120-acre Project Area adjacent to their existing facility. The proposed action will affect potential desert tortoise habitat.

The Proponent also proposes to implement measures to minimize potential impacts during construction and operation, additional measures to mitigate potential impacts, and post-construction measures to minimize residual and indirect potential impacts.

The Proponent acquired the 120-acre parcel of property, immediately adjacent to their existing facility, from the Bureau of Land Management (BLM) by modified competitive sealed-bid sale on Monday, May 7, 2012. The purpose of the acquisition was to acquire enough land for a major expansion of the race and begin construction in September 2012.

To date there has not been any previous US Fish and Wildlife Service (USFWS) ESA consultation on this parcel of land.

1.2 History

The history of the facility is as follows:

2004 - Acquisition of the existing 2.2 mile track.

2005 - Addition of a 1.5 mile track expansion.

2006 - 5,000 sq. ft. permanent classroom facility constructed and Club Spring Mountain is established.

2007 - Member garages constructed – 8,000 square foot driving school structure constructed.

2008 – 8,000 sq. ft. clubhouse constructed, Ron Fellows Performance Driving School announced, Spring Mountain becomes an official ZR1 training program, 8,000 sq. feet of additional amenities added, including: indoor racquetball, vehicle storage, dyno and Powertec engine shops, 5,000 sq. ft. exotic car facility constructed, RV hookups and pads added, completion of safety tunnel between the entrance and 2.2 mile paddock, completion of a timing building with 2nd floor viewing area, completion of additional garages, addition of a shooting range.

2009 - Club condominiums constructed, installation of state-of-the-art track warning system.

2010 - Spring Mountain becomes the Official High Performance Driving School of Chevrolet, Michelin becomes the official tire of the Ron Fellows Performance Driving School, Michelin bridge is constructed, new 0.5 mile straight track expansion added.

2012 - Purchase of 120 acres of land adjacent to the existing facility for track expansion and other amenities.

1.3 Purpose and Need

The purpose of developing this HCP is to document actions that will be taken by the Proponent to minimize and mitigate the effects of the raceway expansion onto an additional 120 acres of desert tortoise habitat. The HCP will be submitted by the Proponent to support an application for a Section 10(a)(1)(B) incidental take permit for the desert tortoise. The Proponent is applying for an incidental take permit because take may be unavoidable as a result of construction activities on the project site.

1.4 Permit Holder/Permit Duration

This Agreement shall become effective on the date that USFWS issues the permit requested in the HCP and shall remain in full force and effect for the period of four (4) years. It is anticipated that all land disturbance, construction activities, and implementation of the HCP will be accomplished during this period.

1.5 Permit Boundary/Covered lands

The proposed raceway expansion project will be constructed on 120 acres of vacant land at Township 20S, Range 54E, Section 34, MDB&M herein referred to as the Project Area (Figure 1). The project site (covered area) is bounded by State Route 160 on the south, the existing raceway on the west and vacant BLM administered lands on the north and east sides.

1.6 Species to be Covered by Permit

Mojave Desert Tortoise (*Gopherus agassizii*)

Federal Status: Listed as Threatened under the Endangered Species Act (FR 12178, April 2, 1990); critical habitat designated (FR 5820, February 8, 1994)

State Status: Classified as Protected, Threatened by the State of Nevada (NAC 503.080)

1.7 Federal Regulatory Framework

1.7.1 Federal Endangered Species Act

Section 9 of the ESA and Federal regulation pursuant to Section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as actions that "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct". Harm is further defined by the USFWS to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the USFWS as intentional or negligent actions that create the likelihood of injury to listed species by annoying them to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Pursuant to Section 11(a) and (b) of the Act, any person who knowingly violates this Section 9 of the Act or any permit, certificate, or regulation related to Section 9, may be subject to civil penalties of up to $25,000 for each violation or criminal penalties up to $50,000 and / or imprisonment of up to one year.

Individuals and State and local agencies proposing an action that is expected to result in the take of federally listed species are encouraged to apply for an incidental take permit under Section 10(a)(1)(B) of the Act to be in compliance with the law. Such permits are issued by the USFWS when take is not the intention of and is incidental to otherwise legal activities. An

application for an incidental take permit must be accompanied by a habitat conservation plan, commonly referred to as an HCP. The regulatory standard under Section 10 of the Act is that the effects of authorized incidental take must be minimized and mitigated to the maximum extent practicable. Under Section 10 of the Act, a proposed project also must not appreciably reduce the likelihood of the survival and recovery of the species in the wild, and adequate funding for a plan to minimize and mitigate impacts must be ensured.

Section 7 of the Act requires Federal agencies to ensure that their actions, including issuing permits, do not jeopardize the continued existence of listed species or destroy or adversely modify listed species' critical habitat. "Jeopardize the continued existence of ..." pursuant to 50 CFR 402.2, means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species. Issuance of an incidental take permit under Section 10(a)(1)(B) of the Act by the USFWS is a Federal action subject to Section 7 of the Act. As a Federal agency issuing a discretionary permit, the USFWS is required to consult with itself (i.e., conduct an internal consultation).

Delivery of the HCP and a Section 10 permit application initiates the Section 7 consultation process within the USFWS.

The requirements of Section 7 and Section 10 substantially overlap. Elements unique to Section 7 include analyses of impacts on designated critical habitat, analyses of impacts on listed plant species, if any, and analyses of indirect and cumulative impacts on listed species. Cumulative effects are effects of future State, tribal, local or private actions that are reasonably certain to occur in the action area, pursuant to Section 7(a)(2) of the Act. The action area is defined by the influence of direct and indirect impacts of covered activities. The action area may or may not be solely contained within the HCP boundary. These additional analyses are included in this HCP to meet the requirements of Section 7 and to assist the USFWS with its internal consultation.

1.7.2 National Environmental Policy Act

The purpose of the National Environmental Policy Act (NEPA) is two-fold: to ensure that Federal agencies examine environmental impacts of their actions (in this case deciding whether to issue an incidental take permit) and to utilize public participation. NEPA serves as an analytical tool on direct, indirect, and cumulative impacts of the proposed project alternatives to help the USFWS decide whether to issue an incidental take permit (ITP or Section 10(a)(1)(B) permit). NEPA analysis must be done by the USFWS for each HCP as part of the incidental take permit application process.

1.7.3 National Historic Preservation Act

All Federal agencies are required to examine the cultural impacts of their actions (e.g. issuance of a permit). This may require consultation with the State Historic Preservation Office (SHPO) and appropriate American Indian tribes. All incidental take permit applicants are requested to submit a Request for Cultural Resources Compliance form to the USFWS.

During the NEPA process involved with the BLM auction of the land that is now the privately owned project site, BLM performed a cultural resource survey of the entire 120-acre parcel. No cultural resources were detected (BLM 2010).

1.7.4 Other relevant laws and regulations

Other relevant laws to the ITP process include Migratory Bird Treaty Act, Clean Water Act, and other state and local legislation.

2.0 Project Description/Activities Covered by Permit

2.1 Project Description

The expansion of the Spring Mountain Raceway would primarily consist of an additional 1.9 miles of racetrack, 40' wide and additional facilities listed below and shown in Figure 2. This expansion would result in over 6 miles of track at the facility which will make this the 2nd largest private track in the world. The purposes of the expansion include increased safety, meeting the growing need and demand for race track rentals and schools offered by manufacturers, and job creation.

The proposed project would allow for the track to provide three different tracks to be able to run at the same time which would expand the operations and increase the ability to add jobs full time and part time. Additional facilities needed for the project to function include:

- 1.9 miles of A/C pavement added;
- a large paddock area of A/C for exercise purposes in the driving schools (approx. 250' x 450');
- a drainage holding pond added as part of the Nye County flood control plan;
- a water holding area for fire water for the use of the US Forest Service and local area for firefighting water and recreation;
- building pads built for 4 buildings that will house a small driving school, mechanics shop, restroom buildings, and retail sales and offices;
- sewer treatment facilities added for the new buildings;
- power brought into the area for the buildings;
- phone and internet will be brought to the buildings; and
- water will be extended approx. 2,500' from the onsite existing well.

2.2 Activities Covered by Permit

Activities to be covered by the Section 10(a)(1)(B) permit include all activities associated with construction of the proposed raceway expansion project and associated utilities and infrastructure.

Construction activities may include installation of tortoise fencing and tortoise gate; grading and leveling of soil; removal of vegetation; construction of the new racetrack; construction of buildings and parking lots; construction of flood control facilities, power, phone and internet lines, sewer lines, water pipelines; and improvement and/or widening of adjacent roadways. Covered activities also include construction equipment and other vehicle travel on access roads to the construction site. It is expected that the entire 120-acre project site will be disturbed from construction activities related to development of the raceway expansion project. Construction activities may occur at all times of the year until the project is completed.

Earthmoving activities would include surveying, clearing, digging, trenching, grading, berming, watering for dust control, etc.

Heavy equipment may include tractors, graders, water trucks, concrete trucks, asphalt trucks, cranes, jackhammers, compactors, delivery trucks, etc.

During construction additional activities may include storing/transporting/use of equipment and materials, workers arriving/departing parking areas by car, moving desert tortoises out of harms way, etc.

Section 5 identifies numerous measures that will be implemented by the Proponent to minimize impacts during construction.

3.0 Environmental Setting/Biological Resources

3.1 Environmental Setting

3.1.1 Climate

The climate in the Pahrump Valley is typical for the Mojave Desert, with very hot summers, cool winters, and arid conditions. The southernmost part of Nye County receives an average annual precipitation of 5 inches or less.

Precipitation occurs sporadically from either winter rains or summer thundershowers. During the winter months, high-pressure conditions predominate resulting in west-to-east tending winds and precipitation patterns. During the summer months, low-pressure conditions predominate, resulting in southwest-to-northeast trending precipitation patterns.

3.1.2 Topography/Geology

Pahrump Valley, located within the Basin and Range tectonic province, is a northwest-southeast trending basin formed by regional tectonic extension (Harrill, 1986). The valley is bounded by fault block mountain ranges comprised of Paleozoic and Late Proterozoic carbonate and clastic rocks (Malmberg, 1967). The highest point, Mount Charleston (3,600 m), is located to the northeast in the Spring Mountains. The Spring Mountains are formed from thrust plates comprised of approximately 2,600 meters of fossiliferous limestone and dolomite overlying 1,300 meters of sandstone, shale and conglomerate (Malmberg, 1967). These thrusts plates are sporadic and are broken by normal faults caused by crustal extension, and therefore, may not be regionally significant (Belcher et al., 2004). The Kingston Range, located in the southwest portion of the basin, contains a large Tertiary granitic pluton and ranges in height between 600-1,800 meters (Sweetkind, 2003).

3.1.3 Hydrology/Streams, Rivers, Drainages

The Project Area is within the Pahrump Valley Hydrographic Area (No. 162), which falls within the Central Region Groundwater Flow System. The Pahrump Valley is an internal drainage basin, and runoff flows from the surrounding mountains to the west and east of Pahrump down to the valley floor, where dry lake beds have formed and salt desert scrub is the dominant plant community. No rivers or streams occur within the Project Area.

3.2 Existing Land Use

The proposed project site is vacant land dominated by creosote bush scrub. It is located within the Pahrump town limits, adjacent to State Route 160. The project site falls within the General Commercial Zoning District.

The site receives some off road vehicle use but is otherwise in a fairly natural state with little to no trash or other human induced impacts. Vegetation is relatively undisturbed, composed of native species. Some use by wild burros was noted.

The surrounding land is vacant, with the exception of the existing racetrack to the west and the State highway on the south. The surrounding area receives some casual off road use.

Land administered by the Bureau of Land Management (BLM) exists on the north and east sides of the proposed project site. The BLM-administered lands are managed for multiple uses as described in the Las Vegas Field Office Resource Management Plan (BLM 1998). This area supports suitable desert tortoise habitat.

3.3 Covered Wildlife

Desert Tortoise

The desert tortoise is found throughout the Mojave, Sonoran, and Colorado deserts of southern California, southern Nevada, southwestern Utah, and Arizona. Two distinct desert tortoise populations are recognized: the Sonoran population located east and south of the Colorado River and the Mojave population found west and north of the Colorado River.

The Mojave population is further divided into five recovery units. The Mojave population was listed as endangered under an emergency rule in August 1989. The ruling did not affect the status of the tortoise in the Beaver Dam Slope area in southwestern Utah, which was federally listed as threatened in 1980. In October 1989, the FWS published a proposed rule to list the Mojave population as threatened, and published the final rule in April of 1990.

Tortoises that occur in Pahrump Valley are part of the Mojave population that is listed as threatened. Pahrump Valley occurs within the Eastern Mojave Recovery Unit as defined in the 2011 Revised Recovery Plan for the Mojave Population of the Desert Tortoise (FWS 2011). There is no designated critical habitat for the tortoise in Nye County.

The desert tortoise occupies a wide variety of desert habitats across its range. The Mojave desert tortoise is associated with creosote bush, white bursage, Joshua tree *(Yucca brevifolia),* blackbrush *(Coleogyne ramosissima),* and salt desert scrub *(Atriplex* sp.) vegetative types. The

tortoise prefers desert valleys and alluvial fans, and ranges up to elevations of 4,000 to 5,000 feet.

The desert tortoise is most active during the spring and fall. Tortoises begin to emerge from hibernation on warm days in March or April and activity remains high through mid-May, and drops off rapidly as temperatures become warmer in June. Aestivation may occur during the heat of the summer but tortoises generally are active in early morning and late afternoon during this period. Occurrence of monsoonal rains in late summer will result in increased tortoise activity. Tortoise activity increases in fall with brumation (a type of hibernation) commencing in mid- to late November.

Tortoise breeding activities occur during April and May. Eggs are laid during late spring and early summer and are white, porcelain in texture, and spherical in shape. The female constructs an inverted funnel-shaped nest, usually in the mouth of a burrow or pallet, and typically lays five to six eggs in the depression. The nest is filled with soil and the eggs hatch from mid-August to mid-October. Hatchlings are about 40 millimeters in length.

Tortoises are herbivores and prefer to feed on succulent forbs and grasses. In the Mojave Desert, forbs are most plentiful during March and April. Flowers are often selected over other parts of the plant for eating. As the forbs dry and complete their life cycle, tortoises make increasing use of grasses, and to some extent, shrubs. During drought years with no annual vegetative growth, tortoises feed on dried forbs and grasses left over from the previous year.

Tortoises drink water when available and construct shallow depressions in the desert pavement to trap water during rain showers. Tortoises spend over 90 percent of their life under ground. Except for hatchlings, tortoises construct their own burrows and pallets. Burrows may be over six feet in length, and pallets are shorter, usually less than two feet in length. Burrows are half-moon shaped, and usually a snug fit for the tortoise that uses it. Burrows and pallets have a low entrance angle and are frequently found at the base of creosote bushes, on hillsides, or the banks of washes.

Caliche caves are also used as shelter by tortoises and have been reported as communal brumation sites. Burrows and pallets provide a cool, humid, shaded environment for tortoises during hot weather, and a relatively warm environment for brumation during the winter. During spring, while foraging, tortoises will seek temporary shade under bushes and rocks in order to regulate their body temperature. Optimal body temperature for active tortoises is 28 to 34 degrees C (82 to 93 degrees F).

Additional information on the range wide status of the Mojave population of desert tortoise may be found on the Nevada Fish and Wildlife Office website at:
http://www.fws.gov/nevada/desert_tortoise/

3.3.1 Status of the Desert Tortoise in the Project Area

Desert tortoise habitat quality varies throughout Pahrump Valley, with higher quality less disturbed habitat occurring on the east side of State Route 160 and in the northern and northwestern edges of the town boundary. In general, the habitat tends to be less disturbed and fragmented the farther east it occurs from the highway. Habitat also occurs in southern areas of Pahrump, but is patchy and interspersed with sandy mesquite hummocks. In general, the central area of Pahrump on the west side of State Route 160 has either been developed for residential and commercial purposes, or is dominated by abandoned agricultural fields and salt desert scrub, and for the most part does not provide suitable habitat for the tortoise.

Estimates of desert tortoise densities in Pahrump Valley are generally very low to moderate. Survey data for Pahrump Valley is limited, and has been conducted mostly on the surrounding Federal lands managed by the BLM. A description of known desert tortoise surveys conducted in Pahrump Valley is summarized below.

The Town of Pahrump is surrounded by lands administered by the BLM. Most of the desert tortoise habitat in Pahrump Valley occurs on BLM-managed lands. The BLM collected data on 1,425 standard triangular strip transects from 1979 through the mid-1990's to determine relative densities of desert tortoise habitat in southern Nevada. Approximately 50 of these transects were conducted in Pahrump Valley. Standard transects consisted of walking the perimeter of an equilateral triangle, 0.5 mile on each side, while recording observations of desert tortoise sign in a 33-foot wide area. Average total adjusted sign was determined, and relative desert tortoise density was calculated based on the formula developed by Berry and Nicholson (1984). Most transects were conducted southeast and northwest of Pahrump on BLM-managed land. No surveys were conducted on private land.

Relative densities ranged from very low (0 to 10 tortoises per square mile) to high (90 to 140 tortoises per square mile), with most relative densities ranging between 10 and 45 tortoises per square mile.

An HCP for the Nye County landfill was completed in 1995. The 80-acre project site was surveyed for desert tortoises prior to initiation of construction activities. Four tortoises were found, which were relocated to adjacent suitable habitat (Coburn 1996). In 1998, the project proponent reported one dead tortoise on the project site (Darling Environmental & Surveying 1999). The landfill is located in Township 20 South, Range 53 East, south half of the northeast quarter of Section 2. The landfill occurs approximately 6 ½ miles northwest of the proposed raceway project expansion.

On November 12 and 13, 2007, 100 percent pedestrian presence/absence surveys were conducted within the 120-acre project site of a proposed Federal detention facility located at

2250 East Mesquite Avenue in Pahrump (Louis Berger Group 2008). The detention facility is located approximately seven miles northeast of the proposed raceway expansion project. Thirteen desert tortoise burrows were detected. Desert tortoise sign observed on the project site included six tortoise burrows and one burrow with tortoise scat, which indicates occupancy. One burrow was occupied by a burrowing owl, and two burrows were collapsed. No desert tortoises were encountered during the surveys. Based on results of the survey, the USFWS estimated a relative density of 0 to 10 tortoises per square mile (USFWS 2008).

The proposed raceway expansion Project Area was surveyed for desert tortoises on May 18 and 19, 2012 (Appendix B). Transects 10 meters apart were set in both east west and north south directions throughout the 120-acre site to achieve 100% survey coverage. The objective was to look for sign of desert tortoise. No live desert tortoises were found, which was not unusual since tortoises brumate during hot dry times of the year. Several old tortoise burrows were found, but the surveyor could not confirm occupancy.

Locations of four potential old burrows were recorded using a hand-held GPS unit. Other burrows were found, but based on the condition of the burrows, it could not be determined with confidence whether or not they were constructed by tortoises.

4.0 Potential Biological Impacts/Take Assessment

4.1 Direct and Indirect Impacts

On a regional scale, direct impacts of the project are considered minimal to desert tortoise conservation and recovery. The subject property is not found within regional conservation areas that have been identified as essential to the survival of the species.

On a local scale, the raceway expansion project is proximate to the existing highly developed racetrack and heavily traveled State Route 160, both of which limit recruitment. However, the habitat in the general area north and east of the Project Area is still relatively good. Project construction will result in the direct loss of 120 acres of desert tortoise habitat, and the displacement of all desert tortoises that are found on the site.

Indirect impacts are those adverse effects that could occur after construction is complete. One of the main differences between direct and indirect impacts, then, is the timing of the impact; direct impacts occur at the time of construction, whereas indirect impacts usually occur in the future following completion of construction.

Foreseeable indirect impacts include introduction of domestic pets and wild predators into the natural environment. While well-behaved dogs will be allowed to enter and stay at the facility, owners are required to maintain them on a leash when outside of their (desert tortoise-impermeable) racetrack grounds. Operating the expanded racetrack is not expected to attract ravens, coyotes and other wildlife because due care will be used to contain trash and because the site will be completely fenced.

Operating policies of the project include having sufficient staff to man all events as well as day to day operations to assure the racetrack facility remains clean and secure. This includes assuring proper trash receptacles, continual fence maintenance, and cleaning of gate crossings. These policies will provide ongoing minimization of impacts to the tortoise and its habitat. With the introduction of more people to the area, the use of brochures provides a unique opportunity to heighten desert tortoise awareness. In addition, wildlife training for all staff members and construction workers and a variety of wildlife educational materials made available to guests will help to create an atmosphere of respect for wildlife that is ultimately the key to their survival.

4.2 Effects on Critical Habitat

The proposed project is not in an area designated as critical habitat and will have no effect on designated critical habitat elsewhere.

4.3 Cumulative Impacts

Raceway expansion project construction is expected to have minimal growth-inducing impacts because the project adds on to an existing facility with an established clientele that currently uses the facility. Also, since the extent of disturbance resulting from the proposed project is relatively small, the contribution of impacts from the proposed project is minor when added to already existing and future impacts; hence, the cumulative impact of the proposed raceway expansion project is expected to be insignificant.

4.4 Anticipated Impacts of the Taking

4.4.1 Potential take: Wildlife species

Take is defined in Section 3 (18) of the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such activity. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Harass is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering.

The Proponent is seeking the issuance of a 10(a)(1)(B) permit that would authorize the eventual development of up to 120 acres of lands adjacent to potentially occupied desert tortoise habitat. Although very unlikely, desert tortoises could be inadvertently killed if protective measures are not implemented; unauthorized "take" would be in violation of Section 9 of ESA. According to the survey conducted in 2012, though no live desert tortoises were detected, tortoise burrows were identified. While the current number of desert tortoises is unknown, it is likely to be used by one or more tortoises at least for a portion of some years.

As a minimization measure, a USFWS-approved biologist will be called upon during the original vegetative clearance activities and the fencing in order to move a desert tortoise (if absolutely necessary) out of harm's way to avoid harm or mortality to the individual animal. All desert tortoises shall be handled by a USFWS-authorized biologist and according to the most current Desert Tortoise Council's handling guidelines (Desert Tortoise Council 2009). This measure is not expected to result in jeopardy of the species and we anticipate that the benefits will outweigh any adverse effects to the species.

The impact of the taking is not considered significant, when compared to the status of the desert tortoise within the Eastern Mojave Recovery Unit and range wide. The loss of 120 acres of desert tortoise habitat will not significantly affect the overall extent of suitable habitat throughout

the species' range, which extends west of the Colorado River throughout southern California, southern Nevada, southwest Utah and northwest Arizona.

5.0 Conservation Program/Measures to Minimize and Mitigate for Impacts

Section 10 (a)(2)(A) of the Act requires that an HCP specify the measures that the permittee will take to minimize and mitigate to the maximum extent practicable the impacts of the taking of any federally listed animal species as a result of activities addressed by the plan.

5.1 Biological Goals

As part of the "Five Point" Policy adopted by the FWS in 2000, HCPs must establish biological goals and objectives (65 *Federal Register* 35242, June 1, 2000). The purpose of the biological goals is to ensure that the operating conservation program in the HCP is consistent with the conservation and recovery goals established for the species. The goals are also intended to provide to the applicant an understanding of why these actions are necessary. These goals are developed based upon the species' biology, threats to the species, the potential effects of the covered activities, and the scope of the HCP.

The goals of this HCP are to:

1. avoid take of the desert tortoise in the form of mortality resulting from the development of the raceway project expansion, and

2. assist in the implementation of conservation and recovery actions for the desert tortoise.

5.2 Biological Objectives

The objectives of this HCP are:

1. to move all tortoises out of harm's way prior to commencement of construction activities and ensure that tortoises do not wander in to the project site during or after construction activities, and

   provide funding to the Zoological Society of San Diego to support range-wide recovery efforts for the desert tortoise at the Desert Tortoise Conservation Center (DTCC), including conservation research, on-the-ground recovery actions, training of biologists, and public education.

5.3 Measures to Avoid and Minimize Impacts

The project Proponent will ensure that the site is surveyed for desert tortoises and all tortoises detected during surveys are moved out of harm's way prior to commencement of surface-

disturbing activities. Surveys will be conducted by qualified desert tortoise biologists authorized by the USFWS.

Immediately prior to surface-disturbing activities, authorized biologists will survey for desert tortoises and their burrows using techniques providing 100-percent coverage of the project site. Transects will be no greater than 30 feet apart. All potential desert tortoise burrows will be examined to determine occupancy of each burrow by desert tortoises. Authorized biologists will use protocols for handling as described in *Desert Tortoise Field Manual 2009*, or more recent version if available.

Tortoises that are detected during pre-construction surveys will be relocated to nearby BLM-managed lands north and east of the proposed project site.

Immediately after tortoise surveys and tortoise removal (if necessary) the 120 acre site will be secured with tortoise proof fencing per the specifications outlines in Appendix C. This fencing will be maintained for the life of the project. The existing racetrack currently has tortoise proof fencing, which will also be maintained for the life of the project. A tortoise friendly grate will be added to the existing site entrance. The design of the grate is shown in Appendix D.

To promote education and awareness of the status of desert tortoise and its habitat, the project proponent will work with the USFWS to develop educational pamphlets to provide to all construction workers with information on the life history, biology, and distribution of the desert tortoise, its legal status and occurrence in the proposed Project Area, the definition of "take" and associated penalties, the measures in the HCP designed to minimize and mitigate the effects of project activities, other measures workers can implement to minimize impacts to the tortoise and its habitat, and procedures to be implemented when desert tortoises are encountered.

Since the project site will be surveyed for tortoises prior to commencement of surface disturbing activities, tortoises are unlikely to occur within the project site during construction of the raceway expansion project. However, in the event tortoises are discovered, the project supervisor will ensure that they are moved to a safe location out of harm's way, and will contact the USFWS's Nevada Fish and Wildlife Office at 702-515-5230 for instructions on disposition of tortoises.

Control and proper containment of trash reduces the attractiveness of the area to opportunistic predators such as desert kit fox, coyote, and ravens. Trash and food items will be disposed of properly in predator-proof containers with resealing lids. During construction activities, trash containers will be emptied and waste will be removed frequently from the Project Area.

5.4 Measures to Mitigate Unavoidable Impacts

The development of the raceway expansion project will result in the loss of 120 acres of desert tortoise habitat. Although no desert tortoises were detected during 100% surveys, the site could be used occasionally by individual tortoises. However, upon commencement of surface disturbing activities and removal of the vegetation, the project site will no longer be suitable for occupancy by individual tortoises.

To mitigate for this loss, the project proponent will pay a $550.00 per acre habitat disturbance fee, for a total of $66,000. This funding will be used to support desert tortoise conservation, management, and recovery activities based at the DTCC, as recommended by the USFWS's Desert Tortoise Recovery Office (DTRO).

The DTCC is a facility located in Clark County south of Las Vegas, Nevada, that receives desert tortoises displaced from urban development and other construction activities in southern Nevada that are authorized or permitted under Section 7 or Section 10 of the ESA.

As well as providing professional care for displaced tortoises, the DTCC provides facilities for desert tortoise research and development of translocation and head starting programs, which are important for promoting the conservation and recovery of the tortoise. Additional management benefits provided by the DTCC include genetic analysis to maintain variability while ensuring that genetically distinct populations are not hybridized or diluted prior to repatriation back in to wild populations.

The DTCC is managed cooperatively under a Memorandum of Understanding by the USFWS, BLM, Nevada Department of Wildlife, and a consortium of zoological institutions known as the Conservation Centers for Species Survival (C2S2). The C2S2 member institutions work together to provide leadership in studying and creating self-sustaining populations *ex situ* and *in situ* of some of the world's most endangered species. The Zoological Society of San Diego, a member of C2S2, is in charge of daily operations at the DTCC.

Desert tortoise conservation, management, and recovery programs are being developed at the DTCC in conjunction with specific population augmentation efforts to mitigate for loss of desert tortoise habitat associated with approved habitat conservation plans in Nevada. It is the intent of this HCP to contribute funding to support these programs at the DTCC.

5.5 Monitoring

To monitor effects resulting from the covered activities and compliance with the requirements specified in the HCP and permit, the permittee will submit an annual report to the USFWS Office in Las Vegas for the duration of the permit term, or until construction of the entire project has

been completed. The report will include all the information described under Section 5.6 (Reporting). Monitoring of desert tortoise conservation and recovery activities funded under the HCP will be conducted by the DTRO, Reno, Nevada.

5.6 Reporting

An annual report will be provided to the USFWS, 4701 North Torrey Pines Drive, Las Vegas, Nevada, 89130 (Attention: HCP Coordinator). The annual report will include the following information:

Brief summary or list of project activities accomplished during the reporting year, such as development or construction activities. Include description of measures implemented to minimize impacts to desert tortoise, such as installation of fencing and onsite litter control program.

Project impacts (number of acres graded), and number of acres remaining to be impacted. Desert tortoise clearance survey results, including number of tortoises found, disposition of tortoises, general condition of tortoises, location of tortoise on the property, and date and time of day tortoise was found. Provide contact information for the qualified biologists used to conduct clearance surveys.

5.7 Adaptive Management Strategy

If uncontained litter is found during daily operations it would be removed and the monitor would research the source of the problem to develop and implement adaptive measures. These adaptive measures may include increasing collection cycles as well as dumpster bins so that they never reach capacity, educating staff and guests as needed about not leaving food in coolers, closed plastic containers, or bags unattended, reinforcing unlocked trash collection sites, and providing guests with lockable pet dishes that are too heavy for a raven to lift, or which are locked to the ground.

5.8 Reporting

Annual Reports to the USFWS will include:

- Brief summary or list of project activities accomplished during the reporting year (e.g. this includes development/construction activities, and other covered activities).

- Project impacts (e.g. number of acres graded, number of buildings constructed, etc.).

- Description of any take that occurred for each covered species (includes cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals).

- Brief description of conservation strategy implemented.

- Monitoring results (compliance, effects and effectiveness monitoring) and survey information (if applicable).

- Description of circumstances that made adaptive management necessary and how it was implemented.

- Description of any changed or unforeseen circumstances that occurred and how they were dealt with.

6.0 Plan Implementation

6.1 Changed and Unforseen Circumstances

6.1.1 Summary of Circumstances

Section 10 regulations [969 Federal Register 71723, December 10, 2004 as codified in 50 CFR, Sections 17.22(b)(2) and 17.32(b)(2)] require that an HCP specify the procedures to be used for dealing with changed and unforeseen circumstances that may arise during the implementation of the HCP. In addition, the HCP No Surprises Rule [50 CFR Sections 17.22(b)(5) and 17.32(b)(5)] describes the obligations of the permittee and the USFWS. The purpose of the No Surprises Rule is to provide assurance to the non-Federal landowners participating in habitat conservation planning under the ESA that no additional land restrictions or financial compensation will be required for species adequately covered by a properly implemented HCP, in light of unforeseen circumstances, without the consent of the permittee.

6.1.2 Changed Circumstances

Changed circumstances are defined in 50 CFR Section 17.3 as changes in circumstances affecting a species or geographic area covered by an HCP that can reasonably be anticipated by plan developers and the USFWS and for which contingency plans can be prepared (e.g., the new listing of species, a fire, or other natural catastrophic event in areas prone to such event). If additional conservation and mitigation measures are deemed necessary to respond to changed circumstances and these additional measures were already provided for in the plan's operating conservation program (e.g., the conservation management activities or mitigation measures expressly agreed to in the HCP or Implementing Agreement (IA)), then the permittee will implement those measures as specified in the plan. However, if additional conservation management and mitigation measures are deemed necessary to respond to changed circumstances and such measures were not provided for in the plan's operating conservation program, the USFWS will not require these additional measures absent the consent of the permittee, provided that the HCP is being "properly implemented" (properly implemented means the commitments and the provisions of the HCP have been or are fully implemented).

The following may be considered changed circumstances under the HCP:

6.1.2.1 Listing of a New Species

If a species that occurs within the project boundary is listed under the ESA during the term of the incidental take permit, the USFWS may consider this as a changed circumstance. There are no candidate species or species of concern known to occur within the project boundaries so the likelihood of such a listing is low. However, if a new listing occurred, the Section 10 permit

will be reevaluated by the USFWS and the covered activities may be modified, as necessary, to ensure that the activities covered under the HCP are not likely to jeopardize the continued existence of the species or result in take or adverse modification of any designated critical habitat of the newly listed species. The permittee will implement the modification to the covered activities identified by the USFWS as necessary to avoid the likelihood of jeopardy, take, or adverse modification of the designated critical habitat of the newly listed species. The permittee will continue to implement such modifications until such time as the permittee has applied for and the USFWS has approved an amendment of the Section 10 permit.

As stated above, the likelihood of listing new species within the project boundary is low.

6.1.2.2 Change in Desert Tortoise Listing Status

If the desert tortoise is delisted or if its listing status is changed from threatened to endangered, the HCP conditions still apply. No more or no less minimization and mitigation will be required.

6.2 Unforeseen Circumstances

Unforeseen circumstances are defined in 50 CFR Section 17.3 as changes in circumstances that affect a species or geographic area covered by the HCP that could not reasonably be anticipated by plan developers and the USFWS at the time of the HCP's negotiation and development and that result in a substantial and adverse change in status of the covered species. The purpose of the No Surprises Rule is to provide assurances to non-Federal landowners participating in habitat conservation planning under the ESA that no additional land restrictions or financial compensation will be required for species adequately covered by a properly implemented HCP, in light of unforeseen circumstances, without the consent of the permittee.

Since effects to the desert tortoise from expansion of the raceway project are expected to be low, and mitigation would occur offsite as part of the Desert Tortoise Recovery Program, unforeseen circumstances are not expected to occur. However, in the unlikely case of an unforeseen event, the permittee shall immediately notify the USFWS staff that has functioned as the principal contacts for the proposed action. In determining whether such an event constitutes an unforeseen circumstance, the USFWS shall consider, but not be limited to, the following factors: size of the current range of the affected species; percentage of range adversely affected by the HCP; percentage of range conserved by the HCP; ecological significance of that portion of the range affected by the HCP, level of knowledge about the affected species and the degree of specificity of the species' conservation program under the HCP; and whether failure to adopt additional conservation measures would appreciably reduce the likelihood of survival and recovery of the affected species in the wild.

If the USFWS determines additional conservation and mitigation measures are necessary to respond to the unforeseen circumstances where the HCP is being properly implemented, the additional measures required of the permittee must be as close as possible to the terms of the original HCP.

7.0 Amendments

Amendments to the HCP and or permit may be minor or major. An amendment to either the HCP or the permit without an associated amendment to the other is possible. Minor changes in the HCP can be completed administratively without amending the permit. Similarly, amendment to the permit without a change in the HCP can also be accomplished. Following are definitions of minor and major amendments as applicable for this HCP.

7.1 Minor Amendments

Minor amendments are changes that do not affect the scope of the HCP's impact and conservation strategy, change amount of take, add new species, and/or change significantly the boundaries of the HCP. Examples of minor amendments include detection of spelling errors or minor corrections in land ownership or boundary descriptions that do not alter the effectiveness of the HCP. The minor amendment process is accomplished through an exchange of letters between the permit holder and the USFWS's Field Office.

Minor amendments to the HCP may include, but are not limited to the following:

- Corrections in the site map (Figure 1) to address errors in the covered area boundary location.
- Modifying existing or establishing new incidental take avoidance measures.
- Clarifying or modifying desert tortoise survey protocol and disposition of desert tortoises.
- Modifying the reporting schedule or notification process.

Any other modifications to the HCP that are consistent with the biological goals and objectives of the HCP that the USFWS has analyzed and agreed to, and that will not result in operations under the HCP that are significantly different from those analyzed in connection with the HCP as approved. Minor revisions may be proposed by either the permittee or the USFWS. The party proposing the minor amendment to the HCP shall circulate the proposed amendment along with an explanation of why the amendment is necessary or desirable.

7.2 Major Amendments

Major amendments to the HCP and permit are changes that affect the scope of the HCP and conservation strategy, increase the amount of take, add new species, and/or significantly change the boundaries of the HCP. Major amendments will often require additional public review and comment.

Major amendments may include any of the following types of changes to the HCP and/or permit:

- The listing under the ESA of a new species that occurs within the covered area described in the HCP.
- Significant changes to the HCP which were not addressed in the HCP including, but not limited to:
    a. Changes to the covered area and covered activities that were not addressed in the description of the proposed action in the HCP, and do not meet the definition of a minor amendment.

    b. Changes in the duration of the covered activities that may occur beyond the term of the current permit.

Proposed major amendments will be provided to the USFWS, which will have final approval authority. The USFWS will determine whether a proposed amendment should be considered "minor" or "major" based on the need for further public comment and applicable law.

7.3 Suspension/Revocation

The USFWS may suspend or revoke the permit if Spring Mountain Raceway LLC. fails to implement the HCP in accordance with the terms and conditions of the permit or if suspension or revocation is otherwise required by law. Suspension or revocation of the Section 10(a)(1)(B) permit, in whole or in part, by the USFWS shall be in accordance with 50 CFR 13.27-29, 17.32 (b)(8).

7.4 Permit Renewal

Upon expiration, the Section 10(a)(I)(B) permit may be renewed without the issuance of a new permit, provided that the permit is renewable, and that biological circumstances and other pertinent factors affecting covered species are not significantly different than those described in the original HCP. To renew the permit, the Proponent will submit to the USFWS, in writing:

- a request to renew the permit; reference to the original permit number;

- certification that all statements and information provided in the original HCP and permit application, together with any approved HCP amendments, are still true and correct, and inclusion of a list of changes;

- a description of any take that has occurred under the existing permit; and

- a description of any portions of the project still to be completed, if applicable, or what activities under the original permit the renewal is intended to cover.

If the USFWS concurs with the information provided in the request, it shall renew the permit consistent with permit renewal procedures required by Federal regulation (50 CFR 13.22). If the Proponent files a renewal request and the request is on file with the issuing USFWS office at least 30 days prior to the permits expiration, the permit shall remain valid while the renewal is being processed, provided the existing permit is renewable. However, the Proponent may not take listed species beyond the quantity authorized by the original permit. If the Proponent fails to file a renewal request within 30 days prior to permit expiration, the permit shall become invalid upon expiration. The proponent must have complied with the permit and all annual reporting requirements to qualify for a permit renewal.

7.5 Permit Transfer

In the event of sale or transfer of ownership of the property during the life of the permit, a new permit application, permit fee, and an Assumption Agreement will be submitted to the USFWS by the new owner(s). The new owner(s) will commit to all requirements regarding the take authorization and minimization/mitigation obligations of this HCP unless otherwise specified in the Assumption Agreement and agreed to in advance with the USFWS.

7.6 Other Measures as Required by Director

Section 10(a)(2)(A)(iv) of the ESA states that the HCP must specify "such other measures that the Secretary may require as being necessary or appropriate for purposes of the plan." For previous 10(a)(1)(B) permits issued for the desert tortoise including the Pahrump Landfill (1995), the USFWS required that an Implementing Agreement be developed. Since this project is a Low-effect HCP, there is no requirement for an Implementing Agreement or an Environmental Assessment.

7.7 Public Participation

At the direction of the USFWS, the Proponent has requested that this be a Low-effect HCP, which entails a streamlined public review process relative to regular 10(a)(1)(B) permit processing. The USFWS will publish a Notice of Availability of a Permit Application in the *Federal Register* to give the public an opportunity to comment on the HCP and NEPA document. Eventually, raceway visitors will be exposed to the conservation awareness program established and dispersed by the Proponent.

7.8 Funding

The sole source of funding for implementation of this HCP is the Spring Mountain Raceway LLC.

7.8.1 Funding Mechanism and Management

The mitigation will be in place prior to take/project impacts occurring.

8.0 Alternatives

8.1 Summary

Section 10(a)(2)(A)(iii) of the ESA, [and 50 CFR Sections 17.22(b)(1)(iii)(C) and §17.32(b)(1)(iii)(C)(3)] requires that alternatives to the taking of species be considered and reasons why such alternatives are not implemented be discussed.

8.2 Proposed Action Alternative

The proposed action alternative is the implementation of the Spring Mountain Raceway LLC. HCP, as described in Sections 3 and 5 of the plan. Under this alternative, the permittee would avoid, minimize, and offset effects to the desert tortoise during the construction of a 120-acre expansion to the existing raceway facility by surveying and clearing tortoises from the construction site prior to surface disturbing activities, ensuring that tortoises are relocated to an appropriate and safe location, and contributing funding to the Zoological Society of San Diego for efforts being undertaken at the DTCC to develop and implement projects that will further the conservation and recovery of the desert tortoise.

8.3 No Action Alternative

Under the No Action alterative, a Section 10(a)(1)(B) permit would not be issued, and incidental take of desert tortoise associated with the development of the Spring Mountain Raceway expansion would not be authorized. Funding from the permittee would not be available to contribute to conservation and recovery actions for the desert tortoise.

Ongoing urban development in the Town of Pahrump that would not cause take of the tortoise could continue. Desert tortoise habitat occurs throughout the 120-acre property boundary; therefore development of the property could not move forward without affecting the tortoise. As such, the No Action alterative does not meet the needs of the permittee.

9.0 Literature Cited

BLM 2010. Pahrump Land Sale - DOI-BLM-NV-SOI0-2010-OJ J6-EA.

Harrill, J.R.,1986. Ground-Water Storage Depletion in Pahrump Valley, Nevada-California, 1962-1975. *US. Geologic Survey Water-Supply Paper 2279.*

Malmberg, G.T. 1967. Hydrology of the Valley-fill and carbonate-rock reservoirs, Pahrump Valley, Nevada-California. *US. Geologic Survey Water-Supply Paper 1832.*

Murphy, R.W., K.H. Berry, T. Edwards, A.E. Leviton, A. Lathrop, and J.D. Riedle. 2011. The dazed and confused identity of Agassiz's land tortoise, *Gopherus agassizii* (Testudines, Testudinidae) with the description of a new species, and its consequences for conservation. ZooKeys 113:39-71.

Sweetkind, D. S. 2003. Stratigraphic inferences derived from borehole data of Tertiary basin-filling rocks of the Pahrump Valley basin, Nevada and California. *U.S. Geological Survey Open-File-Report 2003-51.*

U.S. Fish and Wildlife Service. 2011. Revised recovery plan for the Mojave population of the desert tortoise *(Gopherus agassizii)*. U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California. 222 pp.

10.0 Appendices

The following items/information should be included as appendices to the HCP as appropriate to a particular project.

Appendix A: Maps/Figures

1 **Project Location Map**
2 **Project Site Plan**

Appendix B: Biological Reports

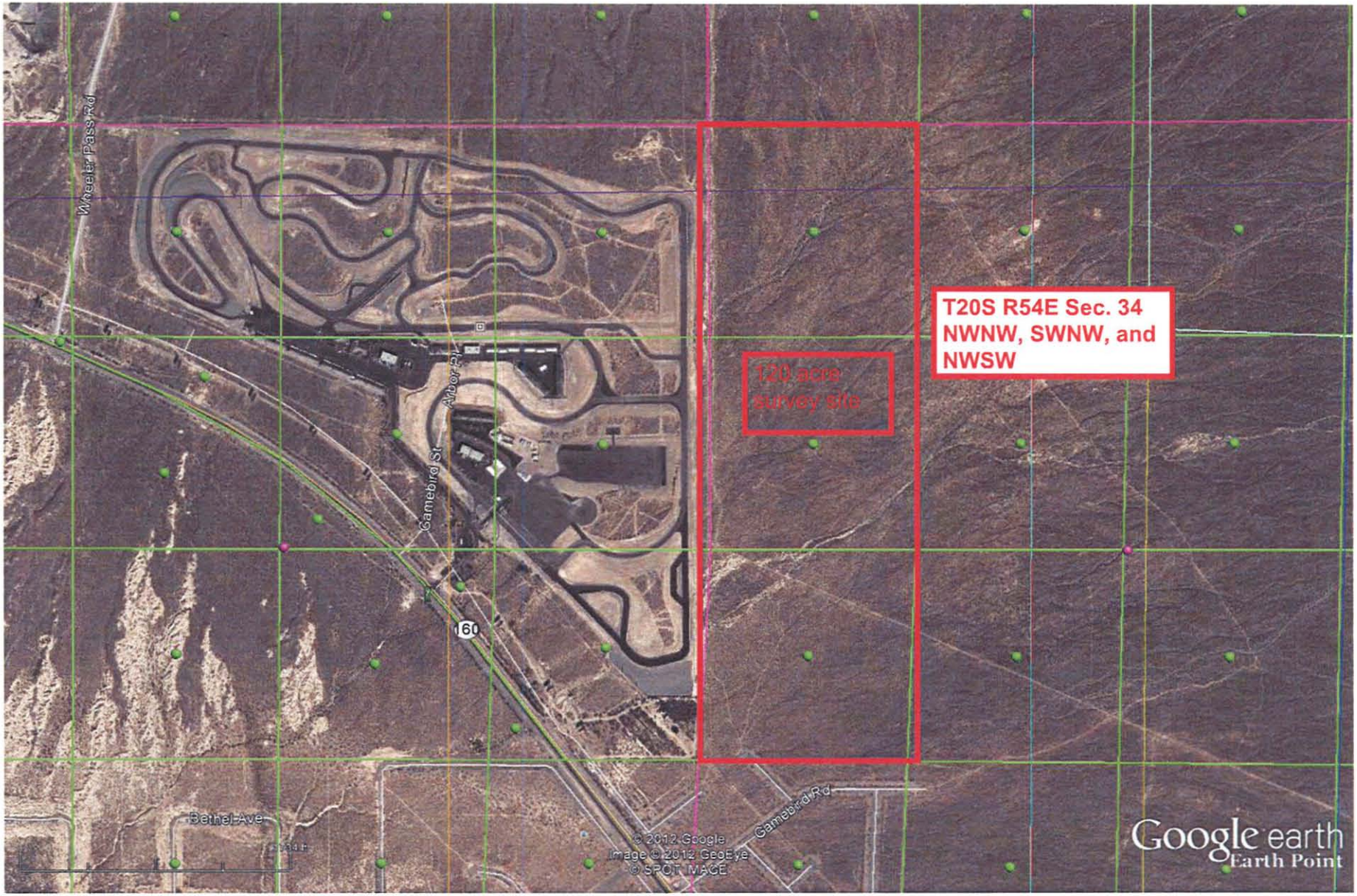
Appendix C: Tortoise Fence Specifications

Appendix D: Tortoise Grate Specifications

Appendix A: Maps/Figures

Project Location Map

Project Site Plan


T20S R54E Sec. 34
NWNW, SWNW, and
NWSW
120 acre
survey site
Wheeler Pass Rd
Camebird St
Arbor Dr
60
Bethel Ave
Camebird Rd
© 2012 Google
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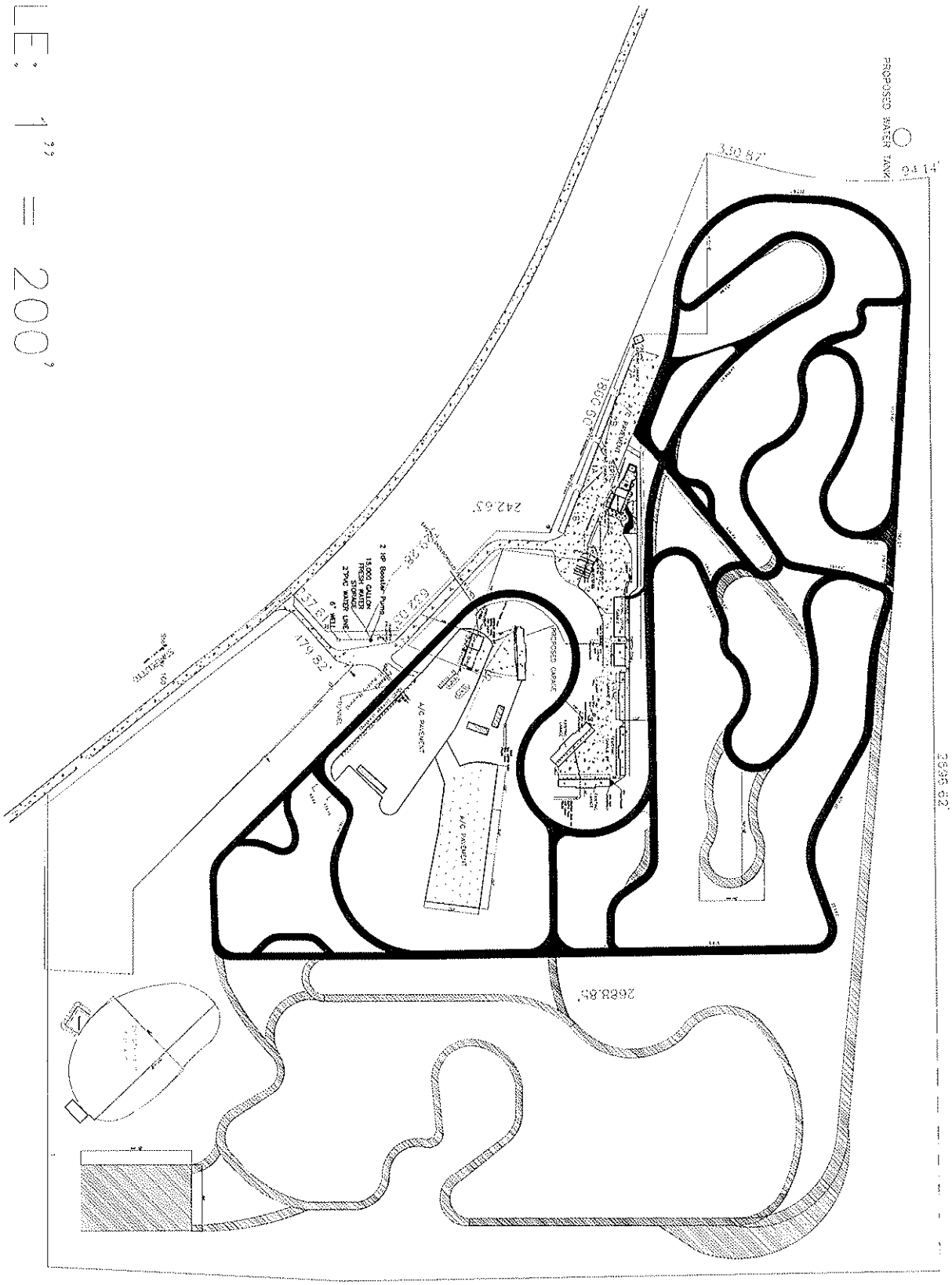
SCALE: 1" = 200'



SHEET NO. 1	SITE PLAN SPRING MOUNTAIN RACEWAY 3601 S. HIGHWAY 160	DATE: 4/20/07 REVISIONS: 10/18/08 LL 7/29/10 LL 10/20/08 LL 7/31/10 LL 7/14/09 LL 8/16/10 LL 12/1/09 LL 12/16/10 LL 2/11/10 LL	DOUBLE M CONSTRUCTION dba CLASSIC HOMES A FULL SERVICE CONSTRUCTION COMPANY	CONTRACTOR THESE PLANS ARE PREPARED AND SUBMITTED BY THE CONTRACTOR AS AN EXCEPTION TO NRS 623.350 FOR WORK UNDER THE CONTRACTORS LICENSE CATAGORY AUTHORIZED UNDER NRS 624. PREPARED BY:

Appendix B: Biological Reports

2012

Spring Mountain Motor Resort & Country Club Expansion Project Biological Assessment

Approximately 120 Acres – Pahrump, Nye County, Nevada

T20S, R54E, Section 34, MDB&M

May 28, 2012

Darling Environmental & Surveying, Ltd.

Table of Contents

1.0 INTRODUCTION AND BACKGROUND

This Biological Assessment was prepared in response to a request by the Spring Mountain Motor Resort & Country Club (SMMRCC) owners to examine a 120-acre vacant parcel for potential impacts to plants and animals protected under the Endangered Species Act of 1973, as amended (ESA). The project is located on the northeast side of Highway 160, on the south side of Pahrump, just east of the existing Spring Mountain Racetrack within the Town of Pahrump, Nye County, Nevada within Township 20S, Range 54E, Section 34, MDB&M herein referred to as the Project Area (Figure 1).

Figure 1. Approximately 120-Acre Project Area, Pahrump, Nye County, Nevada

SMMRCC proposes to develop additional racetracks and infrastructure as described below, adjacent to their existing facility. The proposed action will affect potential desert tortoise (*Gopherus agassizii*) habitat and may result in the incidental take of desert tortoise, which if unpermitted, would be a violation of Section 9 of the Endangered Species Act of 1973, as amended (Act). Consequently, SMMRCC will apply for an incidental take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act

(ESA or Act) of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884) as amended, from the U.S. Fish and Wildlife Service (USFWS), for potential take of the desert tortoise. The potential take would occur incidental to development of the 120-acre Project Area.

The project is entirely on private property with no federal nexus. In order to obtain an incidental take permit, private landowners must first complete a Habitat Conservation Plan. SMMRCC is in the process of preparing this document.

During field surveys conducted May 18 and 19, 2012, all threatened, endangered and candidate species listed for Nye County were assessed. Below is the species list for Nye County, obtained from the USFWS website in April 2012:

			Habitat
Amphibian			
C	Columbia spotted frog (Great Basin Distinct Population Segment)	*Rana luteiventris*	*Aquatic*
Birds			
C	Greater sage-grouse	*Centrocercus urophasianus*	*Sagebrush steppe*
C	Yellow-billed cuckoo (Western U.S. Distinct Population Segment)	*Coccyzus americanus*	*Riparian*
E	Southwestern willow flycatcher	*Empidonax traillii extimus*	*Riparian*
Fishes			
E	Ash Meadows Amargosa pupfish •	*Cyprinodon nevadensis mionectes*	*Aquatic*
E	Ash Meadows speckled dace •	*Rhinichthys osculus nevadensis*	*Aquatic*
E	Devil's Hole pupfish	*Cyprinodon diabolis*	*Aquatic*
T	Lahontan cutthroat trout	*Oncorhynchus clarkii henshawi*	*Aquatic*
T	Railroad Valley springfish •	*Crenichthys nevadae*	*Aquatic*
E	Warm Springs pupfish	*Cyprinodon nevadensis pectoralis*	*Aquatic*
E	White River spinedace •	*Lepidomeda albivallis*	*Aquatic*
Invertebrate			
T	Ash Meadows naucorid •	*Ambrysus amargosus*	*Aquatic*
Plants			
E	Amargosa niterwort	*Nitrophila mohavensis*	*Ash Meadows*
T	Ash Meadows blazing star •	*Mentzelia leucophylla*	*Ash Meadows*
T	Ash Meadows gumplant •	*Grindelia fraxinopratensis*	*Ash Meadows*
T	Ash Meadows ivesia (mousetail) •	*Ivesia eremica* (= I. kingii var. eremica)	*Ash Meadows*
T	Ash Meadows milkvetch •	*Astragalus phoenix*	*Ash Meadows*

T	Ash Meadows sunray •	*Enceliopsis nudicaulis var. corrugata*	*Ash Meadows*
T	Spring-loving centaury •	*Centaurium namophilum*	*Ash Meadows*
Reptile			
T	Desert tortoise (Mojave population)	*Gopherus agassizii*	*Desert*

Legend: C = Candidate, T = Threatened, E = Endangered

All except the federally listed desert tortoise (*Gopherus agassizii*) were eliminated from further study and field surveys due to the project area being outside the species range or requiring a type of habitat not found within the Project Area. Though no tortoises were observed, numerous tortoise burrows were detected.

1.1 Endangered Species Act Requirements in Relation to the Desert Tortoise

The range of the desert tortoise includes the Mojave and Sonoran deserts in southern California, southern Nevada, Arizona, the southwestern tip of Utah, and Sonora and northern Sinaloa, Mexico. The Mojave population of the desert tortoise occurs north and west of the Colorado River. The Mojave population was listed in 1990 as threatened under the Endangered Species Act due to sharp declines in desert tortoise numbers in many areas. This decline is attributed to direct and indirect human-caused mortality. Impacts include destruction, degradation, and fragmentation of tortoise habitat as a result of urbanization, agricultural production, livestock grazing, mining, and roads. In 1994, critical habitat for the Mojave population was designated and a recovery plan for the desert tortoise was issued by the USFWS. A Revised Recovery Plan for the Mojave Population of the Desert Tortoise was issued in 2011.

Section 10(a) of the ESA establishes a process to obtain an incidential take permit from USFWS when proposing a project that may result in take of a listed species. The USFWS estimates the amount of take incidental to an agency action, which is then exempted from the prohibitions of Section 9 of the Endangered Species Act, provided that the incidental take is in compliance with the terms and conditions of the incidental take permit. Preparation of a conservation plan, generally referred to as a Habitat Conservation Plan, or HCP, is required for all Section 10(a) permit applications.

In the case at hand, the proposed project will have effects on the desert tortoise. The HCP will document the ways those effects can be avoided or minimized and the methods to mitigate the impacts.

1.2 Purpose

The purpose of this biological assessment is to provide the necessary information to the USFWS to determine whether or not there may be take of a federally listed species, and if so, appropriate measures to assure survival of the species through a habitat conservation plan and incidental take permit.

1.3 Consultation History

Spring Mountain Motor Resort & Country Club acquired the 120-acre parcel of property, immediately adjacent to their existing facility, from the Bureau of Land Management (BLM) by modified competitive sealed-bid sale on Monday, May 7, 2012. There was no known consultation with USFWS when the property was managed by the BLM.

2.0 PROPOSED ACTION

2.1 Purpose

Spring Mountain Motor Resort and Country Club is located 45 minutes west of Las Vegas, NV. It is a premier venue for car clubs, racing teams, training events, automotive testing and more. To continue to assure the highest level of safety and in order to meet the increasing demands of the racing community, the facility needs to expand. After the track addition is complete, Spring Mountain will be the second-longest racetrack in the world.

2.2 Type of Facility

The SMMRCC is planning to improve the property, beginning with a 1.6-mile track extension on the new property, and a .5-mile extension on the current 2.2-mile configuration at turn 4. The new track extension will be 50 feet wide and extremely smooth, due to a special emollient mixed with the asphalt to provide an excellent grip and smooth surface, with exceptional banking, including 102 feet of elevation change with a banked bowl. With this addition, the firm will be able to run 4 simultaneous track configurations, and multiple long track variations for Country Club members, Driving School operations, Track Rentals and Corporate events, with the longest configuration now totaling 6 miles in length.

2.3 Construction and Other Site Plan Activities

1. Prepare the site:
   - Clear and grub the entire 120 acres;

- Construct tortoise fence, if necessary, as specified for environmental mitigation; and
- Construct tracks, additional facilities and infrastructure.

3.0 MOJAVE DESERT TORTOISE SPECIES INFORMATION

The following life history summary is excerpted from USFWS: The desert tortoise occurs today in the Mojave and Sonoran deserts in southwestern Utah, southern Nevada, southeastern California, and western Arizona in the United States. In Mexico, la tortuga de tierra occurs throughout most of Sonora, including Isla Tiburón in the Gulf of California, and southward into northwestern Sinaloa.

The Desert Tortoise is one of most elusive inhabitants of the desert, spending up to 95% of its life underground. The desert tortoise lives in a variety of habitats from sandy flats to rocky foothills, including alluvial fans, washes and canyons where suitable soils for den construction might be found. It is found from near sea level to around 3,500 feet in elevation. Most desert visitors will not see a tortoise. But if you plan your trip for early spring, and are patient, you may see one of these popular residents of the Mojave deserts.

The Desert Tortoise (*Gopherus agassizii*), has a high-domed shell and elephant-like legs and is easily distinguishable from its turtle cousins. They range in size from two inches up to 15 for a mature male. The top shells are brown, gray, or black, often with distinctive growth lines, while the shell underneath is lighter.

Tortoises can completely withdraw their head and limbs within their shells, leaving only horny scales visible to predators. They have a short tail, and their claws aid them in digging burrows. Males have curved, longer gular horns which protrude from their lower shells underneath their neck and head. They use these horns to combat other males and for butting and nudging females during courtship. Males also have shallow depressions in their lower shells while the females' lower shell is flat. Most people can not differentiate between male and female tortoises until the animals are 15 to 20 years old, or eight inches in length.

The desert tortoise produces a variety of sounds (hisses, grunts, pops, whoops, huhs, echs, bips, etc.), that seem to be the most important when vocalized to an unfamiliar tortoise. Social behavior consists of a series of head bobs for species and gender recognition, courtship, and threat. Head bobbing normally precedes agonistic (combative) behavior between males, although females may also be aggressive.

Desert tortoises may live 50 or more years in the wild. Their diet consists primarily of wildflowers, grasses, and cacti. Desert tortoises derive almost all their water intake from the plants they eat. A large urinary bladder can store over forty percent of the tortoise's body weight in water, urea, uric acid, and nitrogenous wastes. During periods of sufficient rainfall tortoises drink from temporary rain pools. A common defensive behavior when molested or handled is to empty the bladder, leaving the tortoise at a considerable disadvantage during dry periods. For this reason, desert tortoises should not be handled when encountered in the wild.

Reproduction begins between ages 12 to 20, with clutch sizes of 1 to 14 eggs. In years with low rainfall, females may lay few to no eggs. Females can store sperm for five years or longer, meaning they can reproduce for several years after mating. Nests are built and eggs are laid in late spring or early summer. The hatchlings appear in 90 to 120 days. The mother leaves the nest, so once the hatchlings appear, they must survive on their own.

Tortoises depend on bushes for shade and protection from predators such as ravens and coyotes. To escape the temperatures of cold winters and very hot summers, many tortoises live in burrows. The spring and summer burrows vary from 18 inches to five feet long, but may only be a few inches from the surface. Winter burrows tend to be about eight feet long and may be two to three feet from the surface. They often share burrows and may use multiple burrows scattered across the landscape. They hibernate for up to nine months each year, becoming most active from March to June and September to October. When they are young they seldom venture no more than 150 feet from their burrow. As they get older, they may go as far as 3/4 mile in a day and use a network of burrows. In the most densely populated areas, you may find one tortoise per 2.5 acres. Typically, tortoises densities are closer to one tortoise per 100 acres.

Native forage in the Eastern Mojave includes:

- Big Galleta-Scrub Steppe,
- Succulent Scrub (*Yucca, Opuntia sp.*),
- Creosote Bush Scrub,
- Cheesebush Scrub,
- Indian Rice Grass Scrub-Steppe, and
- Summer and winter annuals, cacti, perennial grasses, and herbaceous perennials.

3.1 Site Specific Habitat Conditions

The Project Area sits on the alluvial fan, on the east side of Pahrump Valley, in an area characterized as desert pavement, interspersed with somewhat silty-soiled playa dominated by a creosote bush (*Larrea tridentata*) community type. Other plants include four-wing saltbush *(Afripiex canescens),* shadscale *(Atriplex confertifolia),* white bursage (*Ambrosia dumosa*), spiny menodora (*Menodora spinescens*), Nevada ephedra (*Ephedra nevadensis*), little leaf ratany (*Krameria parvifolia*), common matchweed (*Gutierreza sarothrae*), and cottontop cactus (*Echinocactus polycephalus*).

3.2 Results of Site Specific Desert Tortoise Surveys

No desert tortoises were detected, however eight burrows were noted within the Project Area.

Figure 3. Typical Site Vegetation

4.0 POSSIBLE EFFECTS ON THE DESERT TORTOISE

Protection of tortoises is first accomplished through avoidance, then minimization and mitigation. Direct and indirect impacts to desert tortoises will be minimized by following the USFWS recommended mitigation.

4.1 Anticipated Take

Section 9 of the Endangered Species Act of 1973, as amended, prohibits the take (ie. harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting to engage in any such conduct) of a listed species without special authorization. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering.

Our calculation of two tortoises taken incidentally during construction is based on the onsite surveys by a qualified tortoise biologist. Only two different burrow sizes were found.

4.2 Habitat Loss

There will be loss of approximately 120 acres of potential tortoise habitat, based on field surveys conducted in 2012.

4.3 Human Disturbances

Disturbances such as human presence, noise, ground vibration, and other subtle disturbances from construction and use will have a minimal effect, if any, on tortoises that may occupy adjacent potential habitat. The education of employees including keeping trash inside containers will help minimize impacts from ravens.

5.0 CUMULATIVE EFFECTS

Cumulative effects are those impacts of future Federal and private actions that are reasonably certain to occur in the project area. Future Federal actions will be subject to the consultation requirements established in Section 7 of the Endangered Species Act, and, therefore, are not considered cumulative to the proposed project. Beacuse private property development currently is not reviewed for impacts to desert tortoise, potential impacts of private actions that are likely to occur in the project vicinity are unknown. It is anticipated that the proposed 120-acre project will not result in significant cumulative

impacts to the Mojave desert tortoise due to measures being taken by the project proponent to avoid, minimize and mitigate potential impacts.

6.0 MITIGATION ACTIONS

The following proposed mitigation actions will be implemented to help minimize impacts to desert tortoises.

6.1 General Desert Tortoise Mitigation Actions

6.1.1 Project Review and Pre-Construction Surveys

All proposed land-disturbing activities have been reviewed to ensure compliance with the ESA. As part of this review, pre-construction surveys were conducted at the proposed project site to determine the presence of the desert tortoise or potential habitat. No tortoises were detected but eight tortoise burrows were located.

6.1.2 Employee Education

If recommended by USFWS, personnel working on the proposed project will complete Desert Tortoise Conservation Education. The program provides information relative to the occurrence of the desert tortoise, the threatened status of the species, the definition of "take," the potential for impacts to the tortoise, the potential penalties for taking a threatened species, and the procedures for protecting tortoises.

6.1.3 On-call Trained Responder

Project personnel will halt activities, if it is determined that the continuation of such activities may endanger a desert tortoise including if a tortoise is found on the project site. An on-call biologist or trained SMMRCC employee will be contacted and will respond to the sighting within one hour of notification during normal operating hours. Project activities will resume after the on-call person assesses the situation and takes appropriate action to avoid, minimize, or mitigate the direct impact to the animal.

6.1.4 Tortoise Fencing and Tortoise Gate

If USFWS recommends tortoise fencing, it will be installed along with proof gate entrance/exits. If any tortoises are found inside the fenced area, they will be moved outside the fence prior to vegetative clearance activities.

6.1.5 Litter Control Program

The SMMRCC will implement a litter control program at the proposed facility. Outdoor program activities will include the use of covered, raven-proof trash receptacles; edible trash will be disposed of in trash receptacles following the end of each work day, and trash will be disposed in the Pahrump Landfill at the end of each work week.

6.2 Project Reporting

The SMMRCC person or the wildlife biologist assigned to the team will contact the USFWS if anything that was not addressed in this plan has the potential to affect a listed species.

6.3 Habitat Reclamation

If at some date in the future, the facility is closed, the SMMRCC will establish a stable, non-eroding soil surface.

Native perennial and annual plants, including forage species of desert tortoises will be used in the reclamation process as much as possible. The goals of revegetation will be to minimize soil loss and to restore native vegetative cover so it is similar to surrounding native land. The revegetation of site will hasten plant succession. Successful reclamation within tortoise habitat will restore disturbed habitat to suitable tortoise habitat.

6.4 Section 10 Fees

Section 10 fees in Nevada are set by NRS 244.386, at $550/acre and must be paid prior to habitat (land) disturbance.

7.0 PREPARERS

This Biological Assessment was prepared by:

Mary E. Darling, Consulting Biologist, (520) 298-2725

In consultation with:

MaryEllen C. Giampaoli, Environmental Compliance Specialist

and

Michael Burroughs, Biologist
US Fish and Wildlife Service, Las Vegas, NV

Appendix C: Tortoise Fence Specifications

APPENDIX C

RECOMMENDED SPECIFICATIONS FOR DESERT TORTOISE EXCLUSION FENCING (SEPTEMBER 2005)

These specifications were developed to standardize fence materials and construction procedures to confine tortoises or exclude them from harmful situations, primarily roads and highways. Prior to commencing any field work, all field workers should comply with all stipulations and measures developed by the jurisdictional land manager and the U.S. Fish and Wildlife Service for conducting such activities in desert tortoise habitat, which will include, at a minimum, completing a desert tortoise education program.

Fence Construction

Materials

Fences should be constructed with durable materials (*i.e.,* 16 gauge or heavier) suitable to resist desert environments, alkaline and acidic soils, wind, and erosion. Fence material should consist of 1-inch horizontal by 2-inch vertical, galvanized welded wire, 36 inches in width. Other materials include: Hog rings, steel T-posts, and smooth or barbed livestock wire. Hog rings should be used to attach the fence material to existing strand fence. Steel T-posts (5 to 6-foot) are used for new fence construction. If fence is constructed within the range of bighorn sheep, 6-foot T-posts should be used (see New Fence Construction below). Standard smooth livestock wire fencing should be used for new fence construction, on which tortoise-proof fencing would be attached.

Retrofitting Existing Livestock Fence

Option 1 (see drawing). Fence material should be buried a minimum of 12 inches below the ground surface, leaving 22-24 inches above ground. A trench should be dug or a cut made with a blade on heavy equipment to allow 12 inches of fence to be buried below the natural level of the ground. The top end of the tortoise fence should be secured to the livestock wire with hog rings at 12 to 18-inch intervals. Distances between T-posts should not exceed 10 feet, unless the tortoise fence is being attached to an existing right-of-way fence that has larger interspaces between posts. The fence must be perpendicular to the ground surface, or slightly angled away from the road, towards the side encountered by tortoises. After the fence has been installed and secured to the top wire and T-posts, excavated soil will be replaced and compacted to minimize soil erosion.

Option 2 (see drawing). In situations where burying the fence is not practical because of rocky or undigable substrate, the fence material should be bent at a 90E angle to produce a lower section approximately 14 inches wide which will be placed parallel to, and in direct contact with, the ground surface; the remaining 22-inch wide upper section should be placed vertically against the existing fence, perpendicular to the ground and attached to the existing fence with hog rings at 12 to18-inch intervals. The lower section in contact with the ground should be placed within the enclosure in the direction of potential tortoise encounters and level with the ground surface. Soil and cobble (approximately 2 to 4 inches in diameter; can use larger rocks where soil is

shallow) should be placed on top of the lower section of fence material on the ground covering it with up to 4 inches of material, leaving a minimum of 18 inches of open space between the cobble surface and the top of the tortoise-proof fence. Care should be taken to ensure that the fence material parallel to the ground surface is adequately covered and is flush with the ground surface.

New Fence Construction

Options 1 or 2 should be followed except in areas that require special construction and engineering such as wash-out sections (see below). T-posts should be driven approximately 24 inches below the ground surface spaced approximately 10 feet apart. Livestock wire should be stretched between the T-posts, 18 to 24 inches above the ground to match the top edge of the fence material; desert tortoise-proof fencing should be attached to this wire with hog rings placed at 12 to 18-inch intervals. Smooth (barb-less) livestock wire should be used except where grazing occurs.

If fence is constructed within the range of bighorn sheep, two smooth-strand wires are required at the top of the T-post, approximately 4 inches apart, to make the wire(s) more visible to sheep. A 20 to 24-inch gap must exist between the top of the fence material and the lowest smooth-strand wire at the top of the T-post. The lower of the top two smooth-strand wires must be at least 43 inches above the ground surface.

(72-inch T-posts: 24 inches below ground + 18 inches of tortoise fence above ground + 20 to 24-inch gap to lower top wire + 4 inches to upper top wire = 66 to 70 inches).

Inspection of Desert Tortoise Barriers

The risk level for a desert tortoise encountering a breach in the fence is greatest in the spring and fall, particularly around the time of precipitation including the period during which precipitation occurs and at least several days afterward. All desert tortoise fences and cattle guards should be inspected on a regular basis sufficient to maintain an effective barrier to tortoise movement. Inspections should be documented in writing and include any observations of entrapped animals; repairs needed including bent T-posts, leaning or non-perpendicular fencing, cuts, breaks, and gaps; cattle guards without escape paths for tortoises or needed maintenance; tortoises and tortoise burrows including carcasses; and recommendations for supplies and equipment needed to complete repairs and maintenance.

All fence and cattle guard inventories should be inspected at least twice per year. However, during the first 2 to 3 years all inspections will be conducted quarterly at a minimum, to identify and document breaches, and problem areas such as wash-outs, vandalism, and cattle guards that fill-in with soil or gravel. GPS coordinates and mileages from existing highway markers should be recorded in order to pinpoint problem locations and build a database of problem locations that may require more frequent checking. Following 2 to 3 years of initial inspection, subsequent inspections should focus on known problem areas which will be inspected more frequently than twice per year. In addition to semi-annual inspections, problem areas prone to wash-outs should be inspected following precipitation that produces potentially fence-

damaging water flow. A database of problem areas will be established whereby checking fences in such areas can be done efficiently.

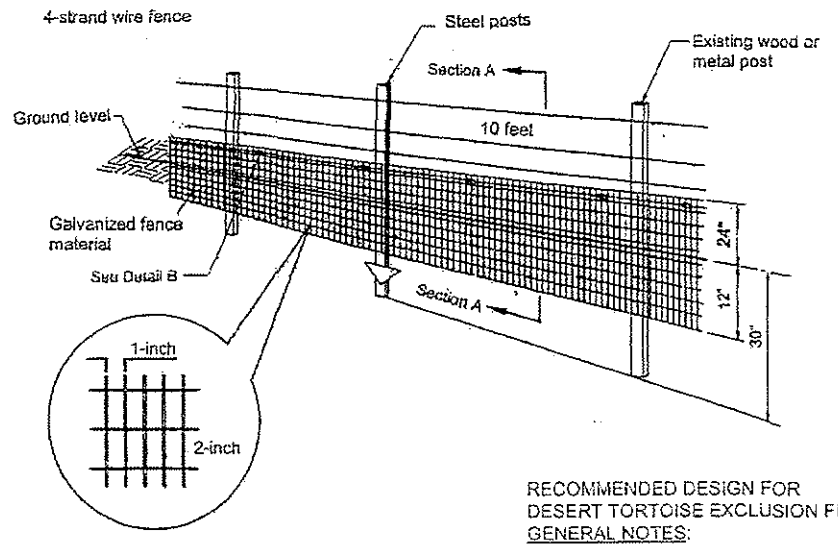
Repair and Maintenance of Desert Tortoise Barriers

Repairs of fence wash-outs: (1) realign the fence out of the wash if possible to avoid the problem area, or (2) re-construct tortoise-proof fencing using techniques that will ensure that an effective desert tortoise barrier is established that will not require frequent repairs and maintenance.

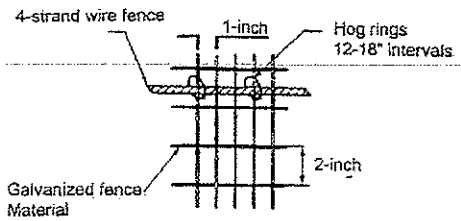
Gaps and breaks will require either: (a) repairs to the existing fence in place, with similar diameter and composition of original material, (b) replacement of the damaged section to the nearest T-post, with new fence material that original fence standards, (c) burying fence, and/or (d) restoring zero ground clearance by filling in gaps or holes under the fence and replacing cobble over fence constructed under Option 2. Tortoise-proof fencing should be constructed and maintained at cattle guards to ensure that a desert tortoise barrier exists at all times.

All fence damage should be repaired in a timely manner to ensure that tortoises do not travel through damaged sections. Similarly, cattle guards will be cleaned out of deposited material underneath them in a timely manner. In addition to periodic inspections, debris that accumulates along the fence should be removed. All cattle guards that serve as tortoise barriers should be installed and maintained to ensure that any tortoise that falls underneath has a path of escape without crossing the intended barrier.

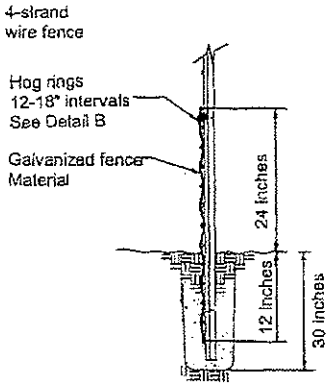
DESERT TORTOISE EXCLUSION FENCE (2005)



DETAIL A



DETAIL B



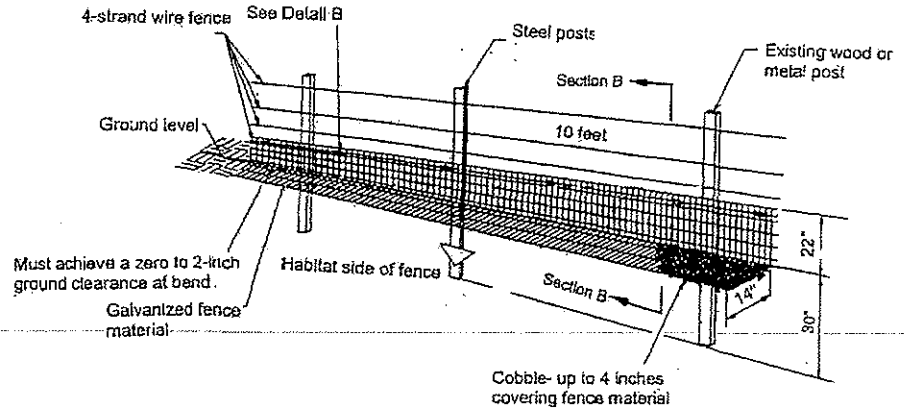
SECTION A

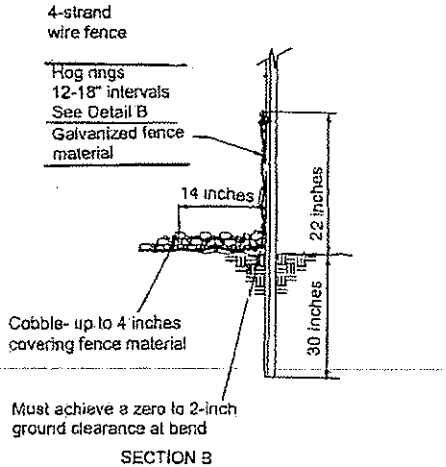
RECOMMENDED DESIGN FOR
DESERT TORTOISE EXCLUSION FENCE
GENERAL NOTES:

1. Ensure that fence posts and materials conform to the standards approved by the U.S. Fish and Wildlife Service.
2. Ensure that the height above ground level is no less than 18 inches and no higher than 24 inches.
3. Ensure that the depth of fence material below ground level is about 12 inches but no less than 6 inches. (See SECTION A above)
4. Install additional steel posts when span between existing fence posts exceed 10 feet.
5. Attach fence material to existing fence or wire using hog rings at 12-inch intervals.
6. Fasten fence material to posts with 3 tie wires with a wire near the top, bottom, and center of the fence material.
7. Backfill trenches with excavated material and compact the material.
8. Attach fence material to all gates. Ensure that clearance at base of gate achieves zero ground clearance.
9. Substitute smooth wire for barbed wire if additional support wires are necessary.
10. The number and placement of support wires may be modified to allow sheep and deer to pass safely.
11. Erosion at the edge of the fence material where the fence crosses washes may occur and requires appropriate and timely monitoring and repair.
12. Tie the fence into existing culverts and cattleguards when determined necessary to allow desert tortoise passage underneath roadways.

FOR BEDROCK OR CALICHE SUBSTRATE

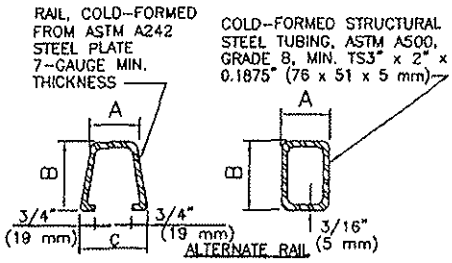
1. Use this fence design (see below) only for that portion of the fence where fence material cannot be placed 6 inches below existing ground level due to presence of bedrock, large rocks or caliche substrate.
2. Ensure that the fence height above ground level is no less than 22 inches.
3. Ensure that there is a zero to 2-inch ground clearance at the bend.
4. Ensure that the bent portion of the fence is lying on the ground and pointed in the direction of desert tortoise habitat.
5. Cover the portion of the fence that is flush with the ground with cobble (rocks placed on top of the fence material to a vertical thickness up to 4 inches).
6. When substrate no longer is composed of bedrock or caliche, install fence using design shown above.



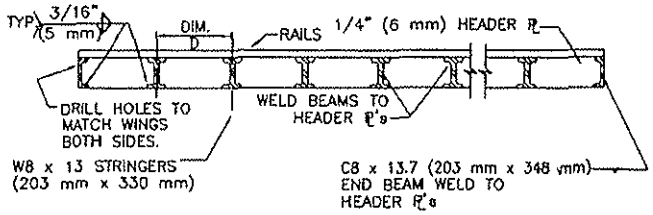


SECTION B

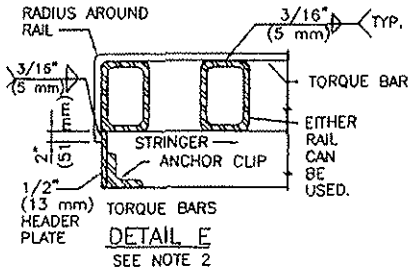
Appendix D: Tortoise Grate Specifications



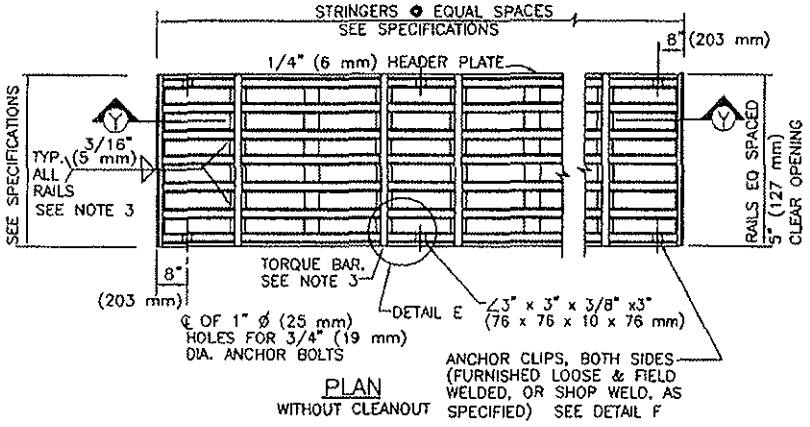
DETAIL D
(CROSS SECTION OF RAIL)



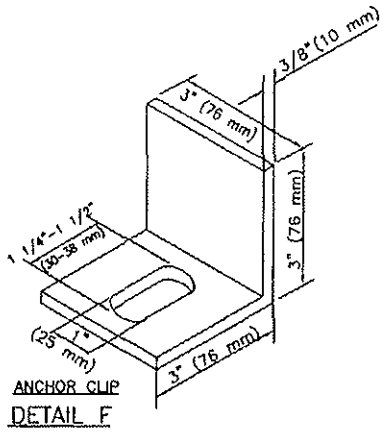
SECTION Y-Y



DETAIL E
SEE NOTE 2



PLAN
WITHOUT CLEANOUT



DETAIL F

WELDING SYMBOLS LEGEND:

- FILLET WELD BOTH SIDES

NOTES:

1. DESIGN LOADING OF GRID CONFORMS TO AASHTO H-20-44.
2. PROVIDE 4 - 2" x 1/4" (51 mm x 6 mm) TORQUE BARS ON GRIDS WITHOUT CLEANOUT, FULL LENGTH, SPACED AS SHOWN, & WELDED WITH 3/16" (5 mm) FILLET WELDS TO TOP OF AS SHOWN, RAILS AS REQUIRED AND AS DESCRIBED IN THE SPECIFICATIONS. SEE DETAIL E.
3. END PLATE FLUSH WITH, AND WELDED TO, RAILS EXCEPT CLEANOUT PANEL.
4. THE METRIC CONVERSIONS ARE PROVIDED IN PARENTHESIS FOLLOWING THE ENGLISH UNITS.

ALWAYS THINK SAFETY

REV. NO.	DESCRIPTION	DATE	APPROVED
1	METRIC CONVERSION ADDED	9/30/97	LJP
2	FORMAT UPDATE	7/31/09	RTH

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MODIFIED STEEL CATTLE GUARD GRID FOR DESERT TORTOISE (WITHOUT CLEANOUT)

DESIGNED BY OTHERS
REVIEWED
APPROVED

DRAWN BY: AA	SCALE: NONE
DATE: February 21, 2012	SHEET: 1 OF 1
MODIFIED DETAIL DRAWING NO. -	